



PWG002180

Mr Brett Whitworth
General Manager Southern Region
NSW Department of Planning and Infrastructure
PO Box 5475
WOLLONGONG NSW 2520

Your Ref:
Our Ref:
File:
Date:

PP-2014/1
16 December 2014

Dear Mr Whitworth,

DRAFT PLANNING PROPOSAL FOR PART OF STAGE THREE WEST DAPTO BETWEEN

Council at its meeting 13 October 2014 resolved under Section 54 of the Act to prepare a draft Planning Proposal for Lots 1, 2 and 3 DP 810104, located between Bong Bong Road (Brooks Reach) and Cleveland Road.

Council resolved that:

1. A draft Planning Proposal be prepared to:
 - a. Rezone the Stockland Residential Development lands being Lots 1, 2 and 3 DP 810104, located between Brooks Reach and Cleveland Road, from RU2 Rural Landscape to a mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation with associated changes to the Floor Space Ratios and Minimum Lot Size (Heights remain unchanged).
 - b. Include updated flood information from the Mullet Creek Flood Extension Study (2010) in the Flood Planning maps for Stages 1 to 4 of the West Dapto Urban Release Area.
 - c. Update the Land Reservation Acquisition Map – to show Cleveland Road widening to reflect the future Type 3, two lane Collector Road – Minor (Bus Route) totalling a width of 20.4m.
 - d. Include model Clause 4.1C to assist in the efficient delivery of integrated housing.
2. The draft Stage 3 Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination and if endorsed exhibited for a minimum period of 28 days. The Gateway be requested to issue an 18 month timeframe and require the proponent to prepare the following information for the Stockland lands prior to formal exhibition:
 - a. Draft Neighbourhood Plan to enable the community to consider the proposal;
 - b. Aboriginal Heritage Assessment;
 - c. Non-indigenous Heritage Assessment;
 - d. Flora and Fauna Assessment;
 - e. A water and sewerage servicing strategy that addresses Sydney Water's concerns about the capacity and ability to service; and,
 - f. Stormwater Assessment Management and Infrastructure Plan that addresses concerns identified in Wollongong City Council's Lake Illawarra Catchment Stormwater Management Plan and other relevant Studies, including stormwater harvesting and reuse to minimise the impact on Lake Illawarra.
3. Stockland be advised that the development is to access via Bong Bong Road, and access to Cleveland Road is denied unless Stockland design and upgrade Cleveland Road to Council's standards, and not expect reimbursement until at least 2030, as indicated in the West Dapto Section 94 Development Contribution Plan.

4. *The other land owners affected by the original Planning Proposal request be advised that Council does not have sufficient information to pursue the rezoning of their properties at this time.*
5. *A separate draft Planning Proposal be prepared to rezone the land located north of proposed Lot 1528 (currently known as Lot 1 DP 549692) and proposed Road No 05 in the Hayes Lane West precinct from E3 Environmental Management to R2 Low Density Residential with a Minimum Lot Size of 300m², Floor Space Ratio of 0.5:1, maximum building height of 9m (no change) and adjusting the flood risk restriction to the northern side of proposed Road No 05.*
6. *The draft Housekeeping Planning Proposal be referred to the NSW Department of Planning and Environment for a Gateway determination and if endorsed exhibited for a minimum period of 14 days.*
7. *Council requests authority for the General Manager to exercise plan making delegations in accordance with Council's resolution of 26 November 2012, for both Planning Proposals.*

It is noted that Council requests that the Gateway determination include direction for the proponent to prepare the following outstanding information to address issues that arose during the preliminary assessment to satisfy Council the land is suitable and capable of being services for residential development. It is important that these matters are not overlooked and be prepared prior to public exhibition.

1. Draft Neighbourhood Plan to enable the community to consider the proposal;
2. Aboriginal Heritage Assessment;
3. Non-indigenous Heritage Assessment;
4. Flora and Fauna Assessment;
5. A water and sewerage servicing strategy that addresses Sydney Water's concerns about the capacity and ability to service; and,
6. Stormwater Assessment Management and Infrastructure Plan.

As required the following information has been provided:

- A copy of the report to Council and minutes from;
- A copy of the draft Planning Proposal submitted by the applicant;
- A copy of the draft Planning Proposal prepared by Council.

Please note that Council considers that an 18 month timeframe would be suitable in this instance given the amount of consultant reports that need to be prepared and reviewed during the pre and post exhibition period. Also Council has resolved to seek delegation on the Planning Proposal. We now await advice from the initial gateway determination. A second planning proposal will be forwarded concerning the minor amendment in Hayes Land West precinct.

Please contact me should you require further information.

This letter is authorised by

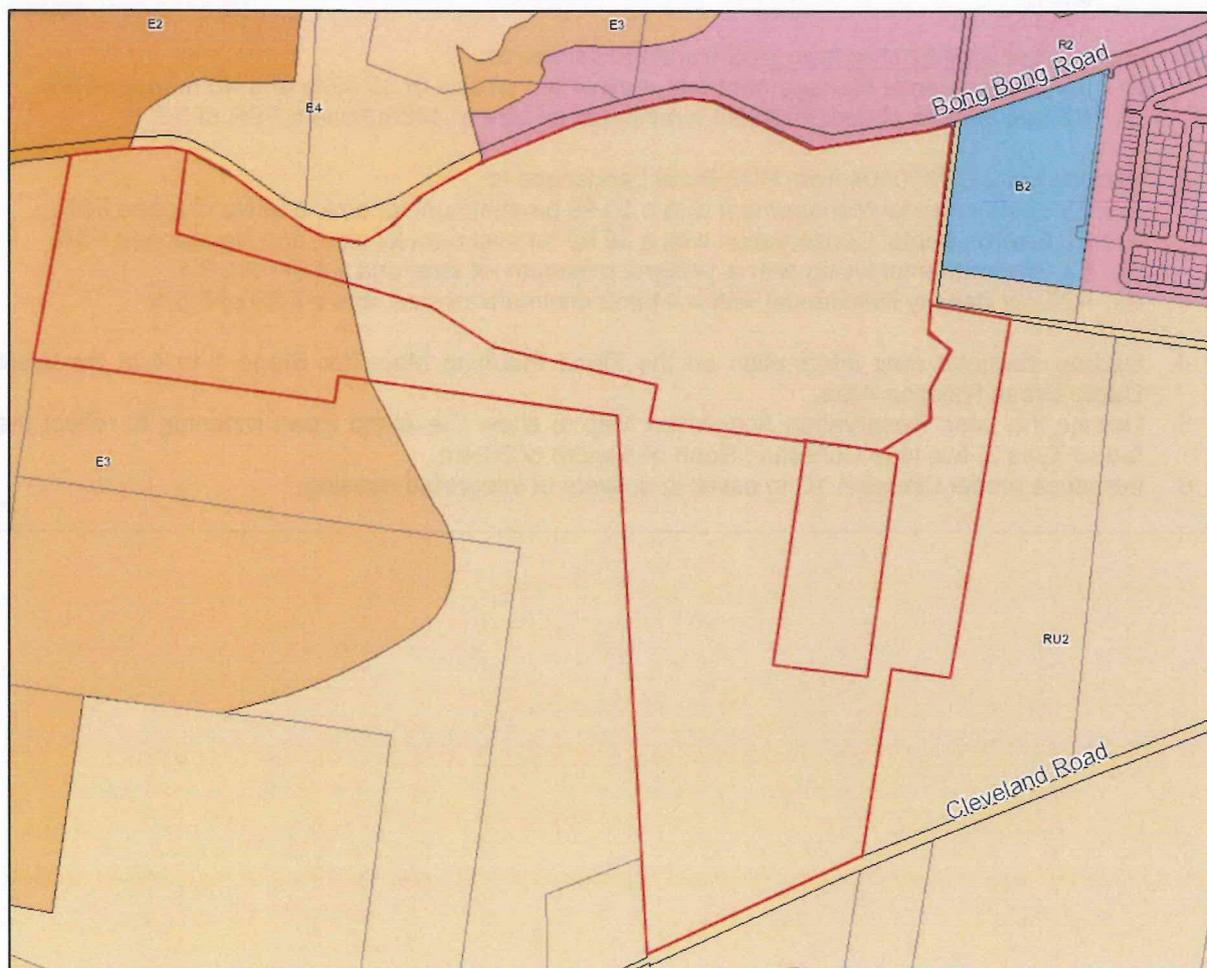
Edith Barnes
Strategic Project Officer
Wollongong City Council
Direct Line (02) 4227 7616

Draft Planning Proposal

LOCAL GOVERNMENT AREA: Wollongong City Council

NAME OF DRAFT LEP: West Dapto Part of Stage 3

ADDRESS OF LAND: Lots 1, 2 and 3 DP 810104, located between Bong Bong Road (Brooks Reach) and Cleveland Road



BACKGROUND:

Part 1: OBJECTIVES OR INTENDED OUTCOMES OF THE PLANNING PROPOSAL:

What is the purpose of the Planning Proposal?

The draft Planning Proposal is for the rezoning of Lot 1, 2 and 3 in DP810104 from RU2 Rural Landscape to mix of R2 Low Density Residential, E4 Environmental Living, E3 Environmental Management and E2 Environmental Conservation with associated changes to the Floor Space Ratios and Minimum Lot Size to enable residential development with part of Stage 3 West Dapto adjoining the Bong Bong town centre.

Part 2: EXPLANATION OF THE PROVISIONS OF THE PLANNING PROPOSAL:

How are the objectives of the Planning Proposal to be achieved? How will the LEP be changed?

1. Rezone Lot 1 DP810104 from RU2 Rural Landscape to:
 - a) E3 Environmental Management with a 39.99 ha minimum lot size, and No mapped FSR.
 - b) E2 Environmental Conservation with a 39.99 ha minimum lot size, and No mapped FSR.
 - c) E4 Environmental Living with a 1499m² minimum lot size, and a FSR of 0.3:1.
 - d) R2 Low Density Residential with a mix of 299m² and 449m² minimum lot size, and a FSR of 0.5:1.
2. Rezone Lot 2 DP810104 from RU2 Rural Landscape to:
 - a) E3 Environmental Management with a minimum lot size of 39.99ha and No mapped FSR.
 - b) R2 Low Density Residential with a minimum lot size of 449m² and a FSR of 0.5:1.
3. Rezone Lot 3 DP810104 from RU2 Rural Landscape to:
 - a) E3 Environmental Management with a 39.99 ha minimum lot size, and No mapped FSR.
 - b) E2 Environmental Conservation with a 39.99 ha minimum lot size, and No mapped FSR.
 - c) E4 Environmental Living with a 1499m² minimum lot size, and a FSR of 0.3:1.
 - d) R2 Low Density Residential with a 449m² minimum lot size, and a FSR of 0.5:1.
4. Update the flood map information on the Flood Planning Maps for Stage 1 to 4 in the West Dapto Urban Release Area.
5. Update the Land Reservation Acquisition Map to show Cleveland Road widening to reflect the future Type 3, two lane Collection Road of a width of 20.4m.
6. Introduce model Clause 4.1C to assist in delivery of integrated housing.

Part 3: JUSTIFICATION FOR THE PLANNING PROPOSAL:

Section A – Need for the planning proposal

<p>1. Is the planning proposal a result of any strategic study or report?</p>	<p>West Dapto is an urban release area in planning for over 20 years, there is a vision and master plan that encompasses the subject site and surrounds that identifies the land for residential development. This planning proposal is consistent with the master plan and vision. It is also noted that West Dapto Urban Release Area is a key area of growth in the Illawarra Regional Strategy.</p>
<p>2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</p>	<p>The planning proposal is the only means of achieving the intended outcome.</p>

Section B – Relationship to strategic planning framework

<p>4. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?</p>	<p>Illawarra Regional Strategy – Rezoning additional land in West Dapto Urban Release Area is consistent with the IRS as it facilitates the development of West Dapto by rezoning land that has a willing and capable developer within proximity to a town centre thereby additionally making the town centre viable through population growth.</p>
<p>5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?</p>	<p>Wollongong 2022 - West Dapto is one of five key aspirations for Wollongong Council in its Delivery Program, this is reflected in the goals and objectives of the Community Strategic Plan. <i>Aspiration:</i> <i>Council will work in collaboration with key agencies to provide the infrastructure needed to support growth within the West Dapto Urban Release Area. This will include improving access infrastructure and local services which are needed to support the additional 17,000 future housing lots within the release area.</i></p>
<p>6. Is the planning proposal consistent with applicable State Environmental Planning Policies?</p>	<p>Refer to Table A – Checklist of State Environmental Planning Policies.</p>
<p>7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?</p>	<p>Refer to Table B – Checklist of Ministerial Directions.</p>

Section C – Environmental, social and economic impact

<p>8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</p>	<p>Significant habitat has not been identified however further work has been noted as necessary and as part of the Council resolution. Wollongong Council requests that these additional reports be requested as part of the Gateway determination included an appropriate analysis for Flora and Fauna Assessment.</p>
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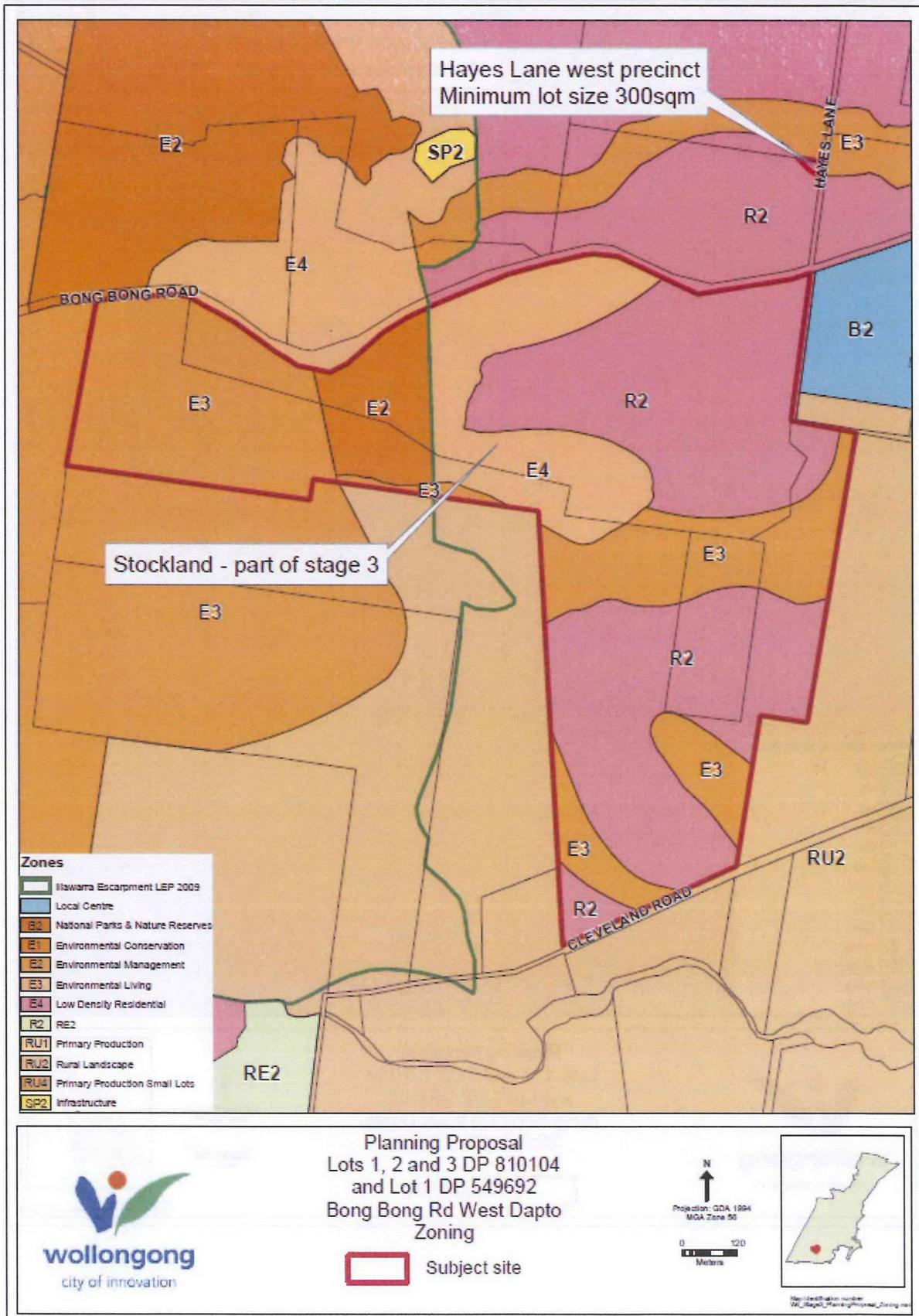
<p>9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p>	<p>Additional information is required as per Council report and resolution as follows: The reports include:</p> <ul style="list-style-type: none"> • Draft Neighbourhood Plan to enable the community to consider the proposal; • Aboriginal Heritage Assessment; • Non-indigenous Heritage Assessment; • Flora and Fauna Assessment; and • A water and sewerage servicing strategy that addresses Sydney Water's concerns about the capacity and ability to service.
<p>10, How has the planning proposal adequately addressed any social and economic effects?</p>	<p>The planning proposal could support the acceleration/viability of the Bong Bong town centre by creating a catchment around the centre making the site more attractive for commercial investment. It would provide additional housing supply from an active developer in West Dapto. The planning proposal would provide a range of housing types from large lots at 1499m² to 299m² within proximity to a future town centre.</p>

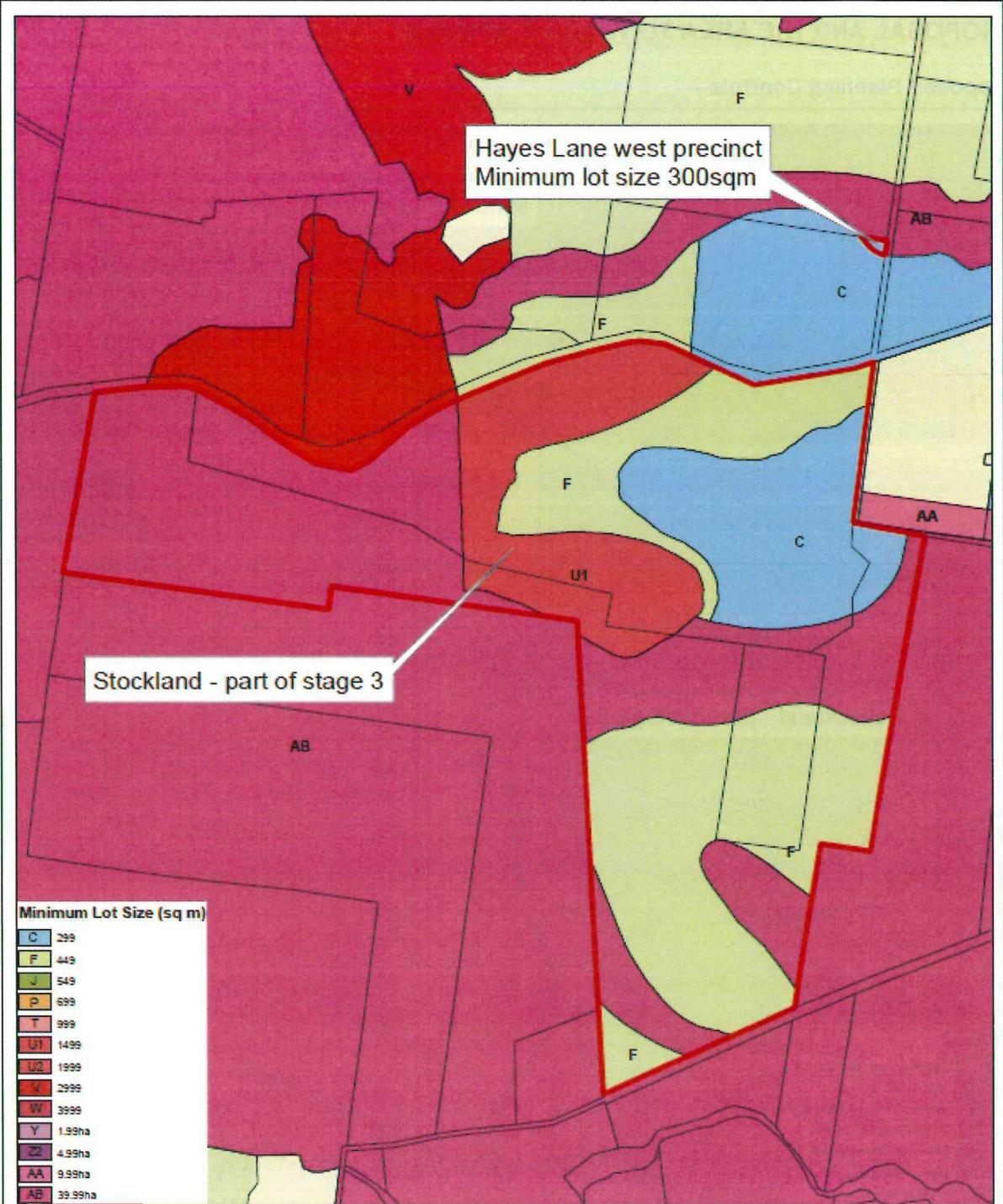
Section D – State and Commonwealth interests

<p>11. Is there adequate public infrastructure for the planning proposal?</p>	<p>The planning proposal will need to demonstrate that the concerns about the capacity and ability to service raised by Sydney Water can be addressed to the satisfaction of Sydney Water.</p> <p>Stockland are also aware that development access must be via Bong Bong Road, and that access to Cleveland Road is denied unless Stockland design and upgrade Cleveland Road to Council's standards, as there is no funding available from Section 94 until at least 2030, as indicated in the West Dapto Section 94 Development Contribution Plan.</p>
<p>12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?</p>	<p>Consultation with Agencies will need to take place as part of the Gateway determination.</p>

PART 4: MAPS, WHERE RELEVANT, TO IDENTIFY THE INTENT OF THE PLANNING PROPOSAL AND THE AREA TO WHICH IT APPLIES

Proposed Planning Controls –





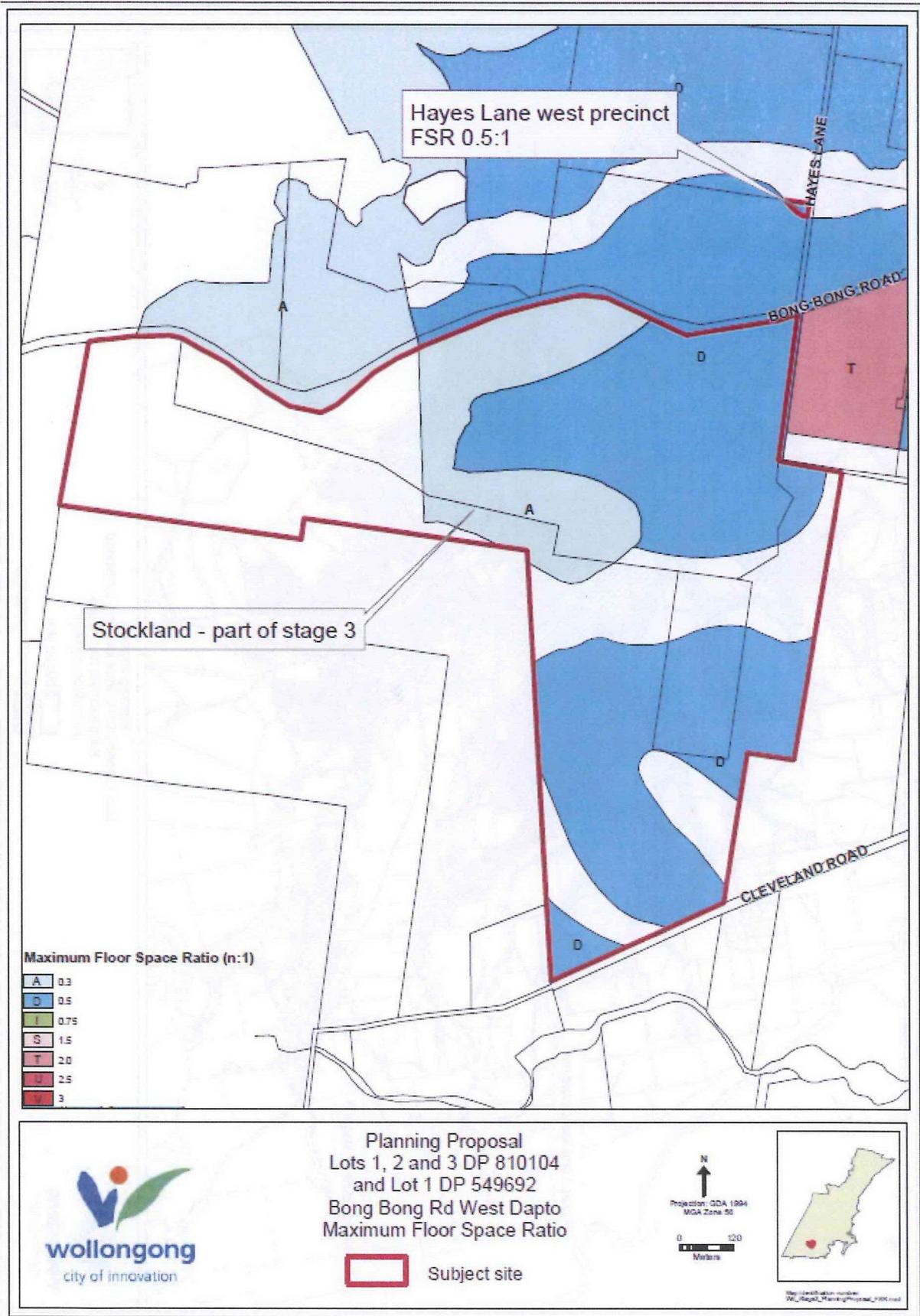
wollongong
city of innovation

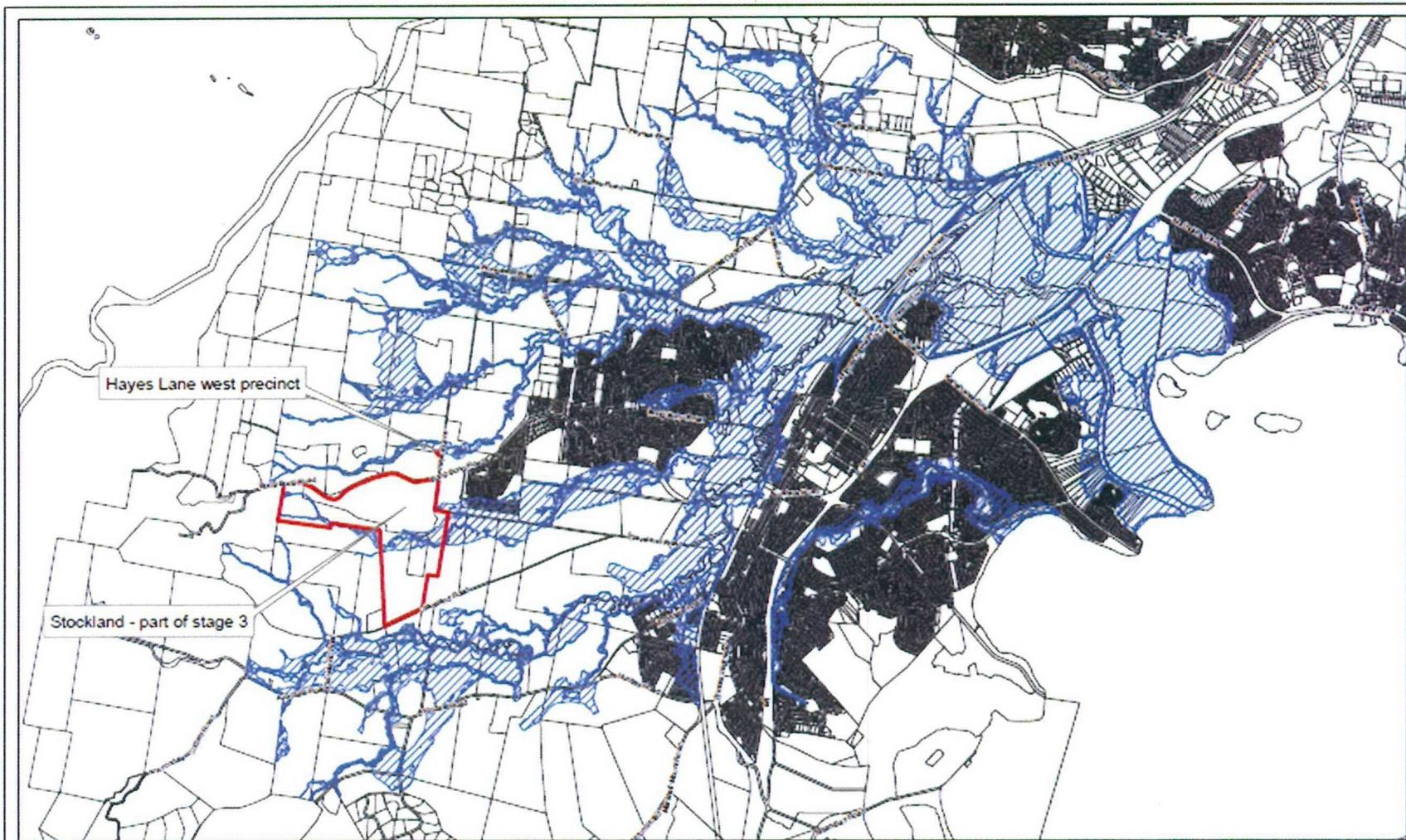
Planning Proposal
Lots 1, 2 and 3 DP 810104
and Lot 1 DP 549692
Bong Bong Rd West Dapto
Minimum Lot Size

N
↑
Projection: GDA 1994
MGA Zone 56
0 120
Metres

Subject site

Map last updated: 10/10/2014
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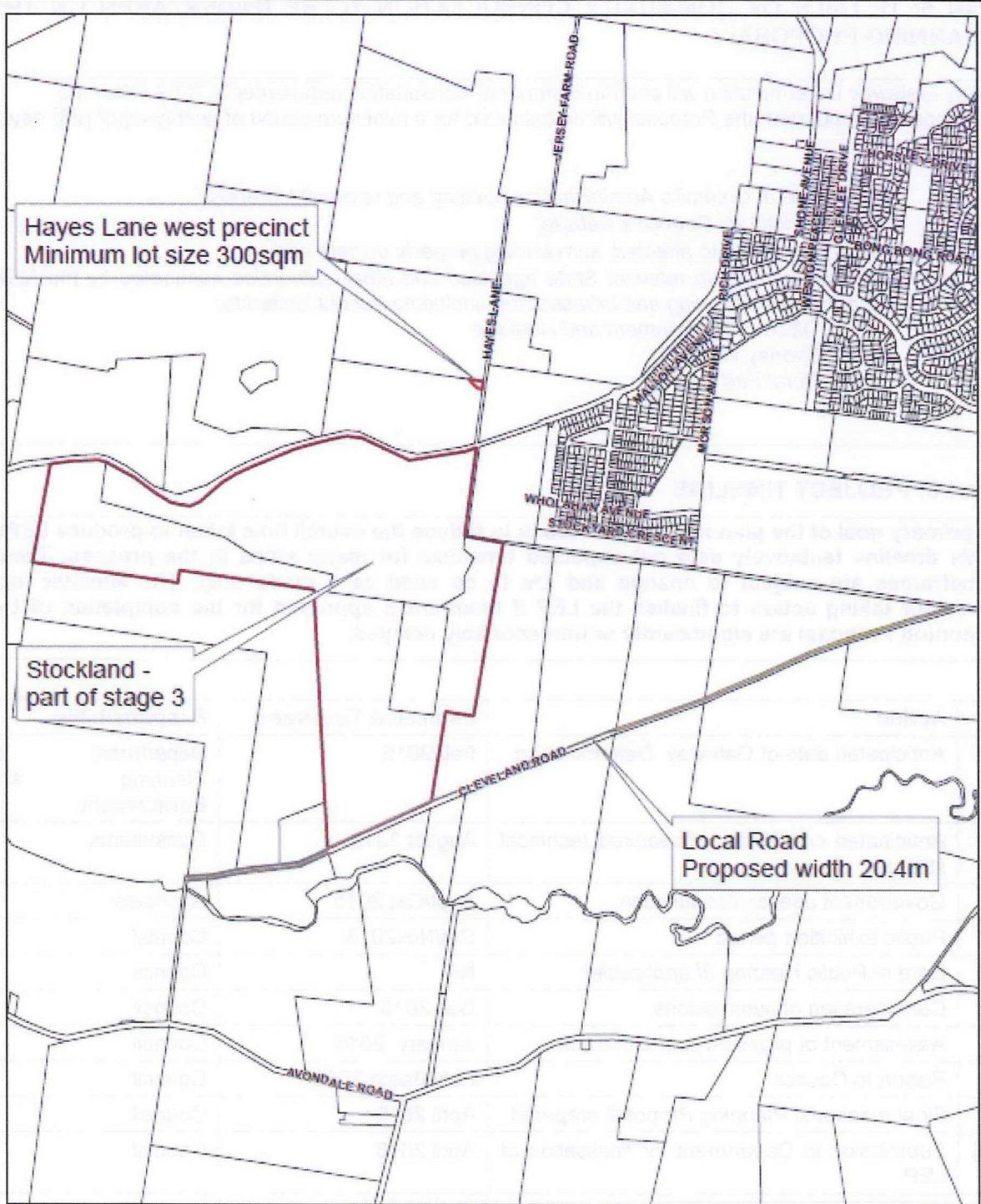




Planning Proposal
 Lots 1, 2 and 3 DP 810104 and Lot 1 DP 549692
 Bong Bong Rd West Dapto
 Flood Planning Map

- Subject site
- Flood Planning Area





Planning Proposal
 Lots 1, 2 and 3 DP 810104
 and Lot 1 DP 549692
 Bong Bong Rd West Dapto
 Land Reservation Acquisition Map

 Subject site



Map created by: Wollongong Planning Proposal_2014.mxd

Part 5: DETAILS OF COMMUNITY CONSULTATION TO BE UNDERTAKEN ON THE PLANNING PROPOSAL:

Any Gateway Determination will confirm community consultation requirements. If the Planning Proposal is supported, the Proposal will be exhibited for a minimum period of *twenty-eight (28) days*, and include:

- *Hard copies at Council's Administration building and relevant Libraries;*
- *Electronic copy on Council's website;*
- *Notification letters to affected; surrounding property owners and*
- *Notification letters to relevant State agencies and other authorities nominated by the NSW Department of Planning and Infrastructure including but not limited to:*
 - *Office of Environment and Heritage*
 - *Sydney Water*
 - *Rural Fire Service*

Part 6: PROJECT TIMELINE

A primary goal of the plan making process is to reduce the overall time taken to produce LEPs. This timeline tentatively sets out expected timelines for major steps in the process. These timeframes are subject to change and are to be used as a guide only. The Minister may consider taking action to finalise the LEP if timeframes approved for the completion of the Planning Proposal are significantly or unreasonably delayed.

#	Action	Estimated Timeframe	Responsibility
1	Anticipated date of Gateway Determination	Feb 2015	Department of Planning and Environment
2	Anticipated completion of required technical studies	August 2015	Consultants
3	Government agency consultation	Sept/Oct 2015	Agencies
4	Public exhibition period	Oct/Nov2015	Council
5	Date of Public Hearing (<i>if applicable</i>)	NA	Council
6	Consideration of submissions	Dec 2015	Council
7	Assessment of proposal post-exhibition	January 2016	Council
8	Report to Council	Feb/March 2016	Council
9	Final maps and Planning Proposal prepared	April 2016	Council
10	Submission to Department for finalisation of LEP	April 2016	Council
11	<i>Anticipated date RPA will make the LEP</i>	<i>Delete if Council is not the RPA</i>	Council (if under delegation)
12	Anticipated date Council will forward final Planning Proposal to DOP&E for notification	May 2016	Council
13	Anticipated date LEP will be notified	June 2016	<i>Parliamentary Counsel and DOP&I</i>

Table A - Checklist of State Environmental Planning Policies

State Environmental Planning Policy		Compliance	Comment
State policies			
SEPP No. 1	Development Standard	Does not apply to Wollongong	
SEPP No. 4	Development Without Consent and miscellaneous Exempt and Complying Development		Clause 6 and parts 3 and 4 of SEPP were repealed by Wollongong LEP 2009
SEPP No. 6	Number of Storeys in a Building		Planning Proposal does not proposed controls for number of storeys.
SEPP No. 14	Coastal Wetlands		NA
SEPP No. 15	Rural Land Sharing Communities	Does not apply to Wollongong	
SEPP No. 19	Bushland in Urban Areas	Does not apply to Wollongong	
SEPP No. 21	Caravan Parks		NA
SEPP No. 22	Shops and Commercial Premises		NA
SEPP No. 26	Littoral Rainforests		No littoral rainforests identified by the policy in the Wollongong LGA
SEPP No. 29	Western Sydney Recreational Area	Does not apply to Wollongong	
SEPP No. 30	Intensive Agriculture		NA
SEPP No. 32	Urban Consolidation (Redevelopment of Urban Land)		NA
SEPP No. 33	Hazardous and Offensive Development		NA
SEPP No. 36	Manufactured Home Estates		NA
SEPP No. 39	Spit Island Bird Habitat	Does not apply to Wollongong	
SEPP No. 41	Casino/Entertainment Complex	Does not apply to Wollongong	
SEPP No. 44	Koala Habitat Protection		NA
SEPP No. 47	Moore Park Showground	Does not apply to Wollongong	
SEPP No. 50	Canal Estate Development		NA
SEPP No. 52	Farm Dams, Drought Relief and Other Works	Does not apply to Wollongong	
SEPP No. 55	Remediation of Land	Capable of Consistency	
SEPP No. 56	Sydney Harbour Foreshores and Tributaries	Does not apply to Wollongong	
SEPP No. 59	Central Western Sydney Economic and Employment Area	Does not apply to Wollongong	
SEPP No. 60	Exempt and Complying Development		NA
SEPP No. 62	Sustainable Aquaculture		NA
SEPP No. 64	Advertising and Signage		NA
SEPP No. 65	Design quality of residential flat development		NA

State Environmental Planning Policy		Compliance	Comment
SEPP No. 70	Affordable Housing (revised schemes)	Does not apply to Wollongong	
SEPP No. 71	Coastal Protection		NA
SEPP	Housing for Seniors or People with a Disability 2004	Capable of Consistency	
SEPP	Building Sustainability Index: BASIX 2004	Capable of Consistency	
SEPP	Major Projects 2005		NA
SEPP	Development on Kurnell Peninsular 2005	Does not apply to Wollongong	
SEPP	Sydney Region Growth Centres 2006	Does not apply to Wollongong	
SEPP	Mining, Petroleum Production and Extractive Industries 2007		NA
SEPP	Infrastructure 2007	Not inconsistent	
SEPP	Temporary Structures 2007		NA
SEPP	Kosciuszko National Park – Alpine Resorts 2007	Does not apply to Wollongong	
SEPP	Rural Lands 2008	Does not apply to Wollongong	
SEPP	Affordable Rental Housing 2009	Capable of Consistency	
SEPP	Western Sydney Employment Lands 2009	Does not apply to Wollongong	
SEPP	Exempt and Complying Development Codes 2008	Capable of Consistency	
SEPP	Western Sydney Parklands 2009	Does not apply to Wollongong	
Deemed SEPPS(former Regional Plans)			
Illawarra REP 1	Illawarra	Repealed within Wollongong	
Illawarra REP 2	Jamberoo	Does not apply to Wollongong	
Greater Metropolitan REP No.2	Georges River catchment	Does not apply to Wollongong	

Table B - Checklist of Section 117 Ministerial Directions

Ministerial Direction		Comment
1. Employment and Resources		
1.1	Business and Industrial Zones	NA
1.2	Rural Zones	Applies however the land is identified for future urban release area in the Illawarra Regional Strategy.
1.3	Mining, Petroleum Production and Extractive Industries	Applies however the land is identified for future urban release area in the Illawarra Regional Strategy.
1.4	Oyster Aquaculture	NA
1.5	Rural Lands	Applies however the land is identified for future urban release area in the Illawarra Regional Strategy.
2. Environment and Heritage		
2.1	Environment Protection Zone	Applies – capable of consistency.
2.2	Coastal Protection	NA
2.3	Heritage Conservation	Applies – capable of consistency.
2.4	Recreation Vehicle Areas	NA
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Applies – capable of consistency given the land is identified for future urban release area in the Illawarra Regional Strategy.
3.2	Caravan Parks and Manufactured Home Estates	Applies – capable of consistency.
3.3	Home Occupations	Applies – capable of consistency.
3.4	Integrating Land Use and Transport	Applies – capable of consistency.
3.5	Development Near Licensed Aerodromes	NA
3.6	Shooting Ranges	Applies - The site adjoins the former Illawarra Clay Target Club however that site has been zoned for a future town centre and the club has relocated removing the land conflict.
4. Hazard and Risk		

4.1	Acid Sulfate Soils	The area is not mapped in the LEP as containing Acid Sulfate Soils however appropriate controls can be identified if found.
4.2	Mine Subsidence and Unstable Land	Applies - The land is mapped as suspected unstable land. Geotechnical works would demonstrate the ability to comply.
4.3	Flood Prone Land	Applies - The land is mapped as flood prone in areas generally the land affected by 1 in 100 event has been zoned E3.
4.4	Planning for Bushfire Protection	Applies – Capable of consistency.
5. Regional Planning		
5.1	Implementation of Regional Strategies	Planning proposal considered consistent with the Illawarra Regional Strategy 2007.
5.2	Sydney Drinking Water Catchments	NA
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to Wollongong
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to Wollongong
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable to Wollongong
5.8	Second Sydney Airport: Badgerys Creek	Not applicable to Wollongong
6. Local Plan Making		
6.1	Approval and Referral Requirements	Applies – Capable of consistency.
6.2	Reserving Land for Public Purposes	NA
6.3	Site Specific Provisions	NA
7. Metropolitan Planning		
7.1	Implementation of the Metropolitan Plan for Sydney 2036	Not applicable